

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| KAMON ROSS,              | ) |                               |
|                          | ) |                               |
| Plaintiff,               | ) |                               |
|                          | ) |                               |
| v.                       | ) | Civil Action No. 1:21-cv-3506 |
|                          | ) |                               |
| GLENWOOD LOTZ MALL       | ) |                               |
| CORNERS HOLDING COMPANY, | ) |                               |
| LLC,                     | ) |                               |
|                          | ) |                               |
| Defendant.               | ) |                               |

---

**JOINT STIPULATION TO APPROVE CONSENT DECREE  
AND TO DISMISS WITH PREJUDICE**

Plaintiff Kamon Ross (“Plaintiff”) and Defendant Glenwood Lotz Mall Corners Holding Company, LLC (“Defendant”) (collectively, the “Parties”) hereby file this joint stipulation seeking the Court’s approval of the Parties’ proposed consent decree and to dismiss the instant matter with prejudice. In support thereof, the Parties show the Court as follows:

1. Plaintiff filed the instant lawsuit alleging Defendant, failure to remove physical barriers to access (as defined in Plaintiff’s Complaint) and that such violate or violated Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.*

2. The matters raised by Plaintiff's Complaint have been amicably resolved in accordance with the proposed consent decree attached hereto as Exhibit "A" (the "Consent Decree").

3. In accordance therewith, the Parties request that the Court review, approve and ratify the Consent Decree. Additionally, the Parties request the Court retain jurisdiction to enforce the terms of the Consent Decree. *See American Disability Ass'n, Inc. v. Chmielarz*, 289 F.3d 1315 (11<sup>th</sup> Cir. 2002) as the Consent Decree is conditioned upon the Court's retaining jurisdiction to enforce said Consent Decree.

4. As part of the Consent Decree reached between the Parties, Plaintiff has agreed to dismiss this case with prejudice. Accordingly, the Parties request, upon the Court's review, approval and ratification of the Consent Decree, that this action be dismissed with prejudice.

5. Except as otherwise stated in the Consent Decree, the Parties shall bear their respective own fees and costs.

WHEREFORE, the Parties respectfully request that the Court enter an Order approving the attached Consent Decree, dismissing the claims asserted by Plaintiff against Defendant with prejudice, and retaining jurisdiction to enforce the Consent Decree.

Respectfully submitted this 29<sup>th</sup> day of October, 2021.

**CONSENTED TO BY:**

**KITCHENS KELLEY GAYNES, P.C.**

**MCCOLLISTER LAW, LLC**

By: /s/ C. Joseph Hoffman  
C. Joseph Hoffman  
Georgia Bar No. 984961  
*Attorney for Defendant*

By: /s/ Julie McCollister \*  
Julie McCollister  
Georgia Bar No. 450726  
*Attorney for Plaintiff*

Glenridge Highlands One - Suite 800  
5555 Glenridge Connector  
Atlanta, GA 30342  
Telephone: (404) 237-4100  
Facsimile: (404) 364-0126  
Email: [jhoffman@kkgpc.com](mailto:jhoffman@kkgpc.com)

P.O. Box 2525  
Blairsville, GA 30514  
Telephone: (706) 745-0057  
Email: [jbmccollister@gmail.com](mailto:jbmccollister@gmail.com)

\* Signed by permission

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1**

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a font size of 14.

/s/ C. Joseph Hoffman  
C. Joseph Hoffman

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing JOINT STIPULATION TO APPROVE CONSENT DECREE AND TO DISMISS WITH PREJUDICE with the Clerk of the Court using the CM/ECF system which will automatically serve a copy of such filing on the following counsel of record:

Julie McCollister, Esq.  
McCollister Law, LLC  
P.O. Box 2525  
Blairsville, GA 30514  
[jbmccollister@gmail.com](mailto:jbmccollister@gmail.com)  
*Attorney for Plaintiff*

This 29<sup>th</sup> day of October 2021.

**KITCHENS KELLEY GAYNES, P.C.**

By: /s/ C. Joseph Hoffman  
C. Joseph Hoffman  
Georgia Bar No. 984961  
*Attorney for Defendant*

Glenridge Highlands One - Suite 800  
5555 Glenridge Connector  
Atlanta, GA 30342  
Telephone: (404) 237-4100  
Facsimile: (404) 364-0126  
Email: [jhoffman@kkgpc.com](mailto:jhoffman@kkgpc.com)